

Message Text

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S/S- MR. MOFFAT

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FM SECSTATE WASHDC

TO AMEMBASSY GUATEMALA IMMEDIATE

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EXDIS

E.O. 11652: N/A

TAGS: ETRD, GT

SUBJECT: DELTA/FLOMERCA DISPUTE: 301 DECISION

1. GOG SHOULD BE INFORMED THAT INTERAGENCY TRADE POLICY REVIEW GROUP (TPRG) 301 PROCEEDINGS ON THE DELTA STEAMSHIP PETITION WHICH ALLEGES UNFAIR PRACTICES BY THE GOG THROUGH IMPLEMENTATION OF DECREE 41/71 HAVE BEEN COMPLETED. THE TPRG IS THE STATUTORY COMMITTEE RESPONSIBLE FOR MAKING RECOMMENDATIONS TO THE PRESIDENT THROUGH THE SPECIAL TRADE REPRESENTATIVE ON 301 PETITIONS. THE COMMITTEE IS CHAIRED BY DEPUTY SPECIAL TRADE REPRESENTATIVE CLAYTON YEUTTER.

2. AFTER REVIEWING INFORMATION RECEIVED FROM PUBLIC HEARINGS AND INTERAGENCY STUDIES, TPRG HAS AGREED THAT GUATEMALAN DECREE 41/71 OPERATES AS AN UNREASONABLE BURDEN ON U.S. COMMERCE WITHIN THE MEANING OF SECTION 301 OF THE TRADE ACT OF 1974.

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3. UNLESS THE DISCRIMINATORY EFFECT OF DECREE 41/71 IS REMOVED, TPRG WILL RECOMMEND RETALIATORY ACTION AGAINST GUATEMALA. SPECIAL TRADE REPRESENTATIVE DENT IS EXPECTED TO ACCEPT TPRG RECOMMENDATION AND SUBMIT IT TO THE PRESIDENT.

4. SPECIFIC REMEDIES TO BE RECOMMENDED FOR PRESIDENTIAL ACTION HAVE NOT YET BEEN DETERMINED BY TPRG, BUT WILL BE SEPARATE AND IN ADDITION TO THE FMC REMEDY.

5. U.S. GOVERNMENT WILL MAKE EVERY EFFORT TO PREVENT DECISIONS BY THE TPRG FROM BECOMING PUBLIC KNOWLEDGE UNTIL SUCH TIME AS THE DISCRIMINATION IS REMOVED OR UNTIL IT IS APPARENT THAT THE DISCRIMINATION WILL NOT BE REMOVED.

6. AMBASSADOR ASENSIO INFORMED OF TPRG DECISION ON DECEMBER 18.

7. FYI. AGREEMENT REACHED BY TPRG THAT GOG SHOULD BE GIVEN REASONABLE TIME TO REMOVE DISCRIMINATORY EFFECTS OF 41/71. TPRG PLANS TO REVIEW PROGRESS END OF JANUARY. ALTHOUGH PRECISE TIME FRAME NOT SET, IT IS ANTICIPATED THAT 301 REMEDY WOULD FOLLOW CLOSE ON HEELS OF PROPOSED FMC COUNTERVAILING ACTION SHOULD THAT REMEDY NEED TO BE INVOKED AND NOT PROVE EFFECTIVE. EMBASSY SHOULD ADVISE GOG ONLY THAT TPRG WOULD EXPECT DISCRIMINATORY EFFECTS TO BE REMOVED BY FEBRUARY 14 CONSISTENT WITH THE FMC DECISION. END FYI. KISSINGER

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